IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 14203 of 1999

Between:

Smt. Sriramoji Ramadevi W/o. Sriramoji Sambeshwar Rao,
R/o. 212, Saptagiri Apartments, Padmaraongar, Secunderabad.

..... PETITIONER

AND

1 Govt. of A.P., rep. by the Dist. Collector, Hyderabad
Nampalli Station Road, Hyderabad
2 Govt. of A.P., rep.by its Sub-Registrar, Secunderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Mandamus declaring the inaction of the Respondents in not registering the document presented by the petitioner U/S. 17 of the Registration Act, in respect of property bearing Plot No.256, admeasuring 333 square yards situated in Sy.No.74/12, of Tirumurthi Weaker Sections Co-op Housing Society Ltd., East Maredpally, Secunderabad as illegal, arbitrary and violative of Articles 14 and 300A of the Constitution of India and consequently direct the 2nd respondent to forthwith register the document.

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner purchased plot No.256 admeasuring 333 square yards from Udayacharla Rao sometime in January/February 1999. Be it noted the petitioner's vendor was allotted the said land by Trimurthi Weaker Sections Cooperative Housing Society Limited. The petitioner submitted a registered sale deed on 23.02.1999 for registration. As the same was not registered nor the Sub Registrar, the second respondent herein, passed any orders recording reasons for non-registration. The petitioner invoked the jurisdiction of this Court praying for a direction to the respondents to register the document submitted by the petitioner.

In support of the writ petition, the learned counsel for the petitioner Sri G.Ratna Sudhakar placed reliance on two Division Bench judgments of this Court. In **Mandadi Nirmala v District Collector, Hyderabad**, a document was submitted for registration but the same was not released. In that context, this Court laid down that when once the document is submitted for registration, the Sub Registrar cannot keep it pending and has to take appropriate action unless it is found that fraud is sought to be played by selling someone's property without semblance of title.

In the other Division Bench judgment, an unreported one; in Writ Appeal No.1900 of 1998 dated 12.11.1998, the Court while dealing a similar case, it was held that as and when the document is presented, in the event of non-registration, the Sub Registrar has to record reasons in Book No.2 and submit the reasons therefor to the party. Indeed that is the purport of Section 71 of the Registration Act, 1908. When once the document is not registered, the party may obtain the reasons for non-registration and file appeal before the District Registrar under Section 72 of the Registration Act. In that view of the matter, the writ petition is disposed of in the following manner.

The second respondent is directed to record reasons for non-registration and on a request being made the reasons for non-registration would be furnished to the petitioner. The petitioner is at liberty to file Appeal before the District Registrar under Section 72 of the Registration Act.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

20.07.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Hyderabad District, Nampally Station Road, Hyderabad.
2. The Sub-Registrar, Secunderabad.
3. 2 CCs to the G.P.for Revenue, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.